

### **REMARKS**

Claims 3-12 and 15 - 25 are pending and under consideration in the above-identified application. Claims 1, 2, 13 and 14 having been cancelled previously.

In the Final Office Action dated May 15, 2008, the Examiner rejected claims 1-25.

With this Amendment, claims 3 and 15 were amended. No new matter has been introduced as a result of the amendments.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 3-12 and 15-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyake (JP 11-251678). Applicant respectfully traverses this rejection.

The claims require a semiconductor light emitting device having a second cladding layer with a ridge-shaped portion. The ridge-shaped portion includes a first ridge-shaped layer that has a higher bandgap than the first cladding layer and a second ridge-shaped layer having a relatively low bandgap. Thus, the configuration of the ridge-shaped portion has a layer with a low refractive index and a layer with a high refractive index, which allows the refractive index profile affecting the beam shape to be adjustable. Specification, Paragraph [0030].

Miyake teaches a semiconductor with a second cladding layer having a ridge-shaped portion. Miyake, Paragraph [0009]. Miyake does not teach or even fairly suggest a first ridge-shaped layer and a second ridge-shaped layer as required by the claims. Furthermore, Miyake does not teach or even fairly suggest a first ridge-shaped layer that has a higher band gap than the first cladding layer which allows the refractive index profile affecting the beam shape to be adjustable. Thus, it would not have been obvious to one of ordinary skill in the art to modify Miyake to have a first ridge-shaped layer that has a higher bandgap than the first cladding layer. Accordingly, independent claims 3 and 15 are patentable over the cited reference as are

dependent claims 2-12 and 16-25 for at least the same reasons. As such, Applicant respectfully requests that the above rejection be withdrawn.

## **II. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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